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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/931,296      | 08/16/2001  | Rabindranath Dutta   | AUS920010531        | 3181             |

7590 06/08/2004

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Houston, TX 77036

EXAMINER

FILIPCZYK, MARCIN R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2171

DATE MAILED: 06/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/931,296

Applicant(s)

DUTTA ET AL.

Examiner

Marc R Filipczyk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

This action is responsive to application filed August 16, 2001 in which claims 1-28 are presented for examination.

#### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

**It does not identify the mailing address** of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

#### ***Specification***

The abstract of the disclosure is objected to because the second sentence is incomplete. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

Claim 9 is objected to because of the following informalities: "said" server should be replaced by "a" server. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 8 and 11, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2-5 and 8, the segment "particular computing environment" is indefinite. It is not clear what a particular computing environment is.

Regarding claims 11, the phrase "the different features and capabilities" is indefinite. It is not clear what the different features and capabilities are.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bentley et al (U.S. Patent No. 6,341,291).

Regarding claims 1, 10, 11, 16, 17, 22, 23 and 28, Bentley discloses a program, method and system for maintaining, accessing and executing legacy computer software programs stored in a central location comprising: (fig. 10)

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a database for storing multiple software programs (fig. 10, items 2 and 3), some of said software programs being chronological versions of a particular software program developed and revised over a period of time, each said version being stored as a separate software program; (col. 17, lines 35-45)

a computing device connected to said database capable of interacting with said database for the purpose of retrieving and executing software programs stored in said database; (fig. 10, items 1 and 4; col. 15, lines 10-15)

a interface device connected to computing device for interacting with said computing device; (fig. 10, item 20) and

a computing network for connecting said interface device and said computing device. (fig. 10, *COMPUTER NETWORK*)

Regarding claims 2 and 12, Bentley discloses multiple versions of software programs, each version being capable of executing in a particular environment. (col. 15, lines 29-32)

Regarding claims 3 and 13, Bentley discloses software programs are stored in software directories according to the type of software program. (col. 17, lines 63-66)

Regarding claims 4 and 15, Bentley discloses software directories include directories for operating system programs, application programs and utility programs. (col. 18, lines 8-15)

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Regarding claims 5 and 14, Bentley discloses links that connect set of previously identified software programs such that the connected software programs can be accessed sequentially. (col. 17, lines 29-34)

Regarding claim 6, Bentley discloses the interface is a computer terminal. (fig. 10, item 20)

Regarding claim 7, Bentley discloses the computing device is a server. (fig 10, items 1 and 3)

Regarding claim 8, Bentley discloses said server comprises a cpu, memory, simulator and software retrieval programs. (fig. 6, items 208, 210, 212 and 214)

Regarding claim 9, Bentley discloses multiple interface devices capable of interacting with a server. (fig. 10)

Regarding claims 18-21 and 24-27, Bentley discloses a server and database for executing software programs. (fig. 10, items 1-4)

### ***Conclusion***

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent is cited to further illustrate the state of art with respect to storing and executing legacy software.

U.S. Patent No. 6,532,463 of Robbins et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
June 5, 2004

  
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